

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT CHARLOTTESVILLE, VA  
FILED  
SEP 17 2012

JULIA C. DUDLEY, CLERK  
BY: *[Signature]*  
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MICHAEL HARRIS, et al.,	)	CASE NO. 5:12CV00045
	)	
Plaintiffs,	)	
	)	
v.	)	<u>REPORT AND RECOMMENDATION</u>
	)	
JEFFREY SETO, et al.,	)	
	)	
Defendants.	)	By: B. WAUGH CRIGLER
	)	U.S. MAGISTRATE JUDGE
	)	

Plaintiff M.F. Harris Research, Inc. ("Harris Research") has moved the court to voluntarily dismiss it as a party plaintiff in this case. Harris Research has yet to obtain counsel in order to proceed, and while the court has been informed that plaintiff Michael Harris continues to seek representation, the corporate plaintiff no longer wishes to participate as a plaintiff in the case.

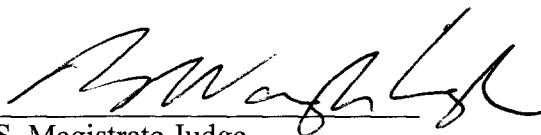
Given the history of this action, the delay which, in part, has been occasioned by the absence of counsel for both the individual plaintiff and the corporate plaintiff, the fact that the dispositive motion filed by defendant Matthew S. Johnson remains outstanding, and the partial clarity a dismissal of the corporation as a party plaintiff will bring to the case, the undersigned hereby RECOMMENDS that the presiding District Judge treat the pleading entered on September 17, 2012 as a motion to voluntarily dismiss M.F. Harris Research, Inc. as a party plaintiff and enter an Order GRANTING the motion and DISMISSING M.F. Harris Research, Inc. as a party plaintiff in this case.

The Clerk is directed to immediately transmit the record in this case to the presiding District Judge. Both sides are reminded that pursuant to Rule 72(b) they are entitled to note objections, if any they may have, to this Report and Recommendation within fourteen (14) days hereof. Any adjudication of fact or conclusion of law rendered herein by the undersigned not specifically objected to within the

period prescribed by law may become conclusive upon the parties. Failure to file specific objections pursuant to 28 U.S.C. § 636(b)(1)(C) as to factual recitations or findings as well as to the conclusions reached by the undersigned may be construed by any reviewing court as a waiver of such objection.

The Clerk is directed to transmit a certified copy of this Report and Recommendation to all counsel of record and mail a copy to the plaintiffs.

ENTERED:

  
\_\_\_\_\_  
U. S. Magistrate Judge

9/17/12  
\_\_\_\_\_  
Date